



City Council Meeting
June 2, 2014
7:00 p.m. Regular Meeting

Mayor Jason Ward opened the meeting at 7 p.m. with the pledge of allegiance. Councilman Gilner, Peak Truesdell and Donnelly were in attendance. Councilwoman Reed was absent. Also in attendance were city staff Nathan McCommon, Jennifer Jones-Lacy, Kent Heskett and City Attorney Michael Kelly.

Councilman Peak made a motion to approve the consent agenda, seconded by Councilman Gilner. All Ayes, the motion carried.

Open Agenda

Nothing for open agenda

Old Business

- a) Public input on and discussion of space of former police station property
 - Mr. McCommon said there was a RCDC meeting that discussed the issue last week which he said would be discussed later in the meeting.

- b) Public input on and discussion of recycling program: mandatory vs. voluntary
 - Mr. McCommon said the Council wanted to revisit the issue and allow a couple of opportunities for residents to provide input on curbside recycling. Mr. McCommon said a voluntary program would be \$4/customer whereas a mandatory program would be \$2.25/customer.
 - Mayor Ward asked if anyone wanted to speak on the topic. He said we ran a poll on the City's website and that there was a poll in the paper as well when the topic was originally introduced.
 - Ms. Jones-Lacy provided the results from the Mirror's poll and the City's poll. The city's website poll showed that 56% of those polled wanted the program to be mandatory, 39% wanted to see it as a voluntary program and 5% said they didn't need it out of 75 votes. The Mirror had 126 responses 61% wanted to see a city-wide program, 24% wanted to see a voluntary program and 7% preferred to drop their recyclables off elsewhere and 6% said they don't recycle.
 - Councilman Truesdell said they received some feedback in the last meeting where they were in favor of curbside recycling in some form.
 - Councilman Peak said Honeycreek has stated that there would be no increase in fees for the next three years.
 - Randy Weldon said they would like to see the program start in late October which is when they would be able to start accepting glass.
 - Mayor Ward said to circle a date on the calendar and say that's when we'll make a decision.
 - Mayor Ward said he's leaning toward voluntary program.
 - Councilman Truesdell said he's leaning toward mandatory but only with strong public support.
 - They sent a deadline of the July 7th meeting.

- c) Update on Kansas Gas extraordinary costs
 - Mr. McCommon said he anticipates up to \$26,000 but probably around \$23,000.

- d) Update on Hwy 24-40 traffic signal improvements
 - Received word today that the City engineer completed review of KDOT specs and he will follow up to see how soon we'll be ready to go to bid.
- e) Update on Washington Street sidewalk
 - Crews are working on the sidewalk now.

New Business

- a) City Attorney Agenda
 - Ownership of Tonganoxie Nursing Center
 - i. Mike Kelly said that in 1993 the City issued special revenue bonds to build the Tonganoxie Nursing Center. We entered into a lease agreement with Encore Nursing Center Partners to pay the bonds. Once the bonds were paid off, we would issue to title to the nursing center. Mr. Kelly said the nursing center is trying to sell their property and needs to get the deed in place. His recommendation is that upon verification of the bonds being paid off and the subsequent payment of \$1,000, we deed the property to Encore. Mr. Evan Fitz, of the Posanelli law firm was present and said they are prepared to pay the \$1,000 and asked that the Council approve the transfer tonight pending verification.
 - ii. Councilman Donnelly asked about the type of bonds. Mr. Fitz said they are hospital refunding bonds, which are very similar to Industrial Revenue Bonds (IRBs).
 - iii. Councilman Peak made a motion to deed the title upon confirmation the bonds are paid off and the \$1,000 payment, seconded by Councilman Donnelly. All Ayes, the motion carried.
- b) Resolution 06-14-01 adopting the Leavenworth County Multi-Hazard Mitigation Plan – Chuck Magaha, Leavenworth County Emergency Manager
 - Mr. Magaha is asking that the City of Tonganoxie adopt the regional plan. He said the plans have to be updated every five years and we are in Region L. There are 25 regions in the state of Kansas. Kansas is the first state to go regional with their hazard mitigation plans and Region L is the first in the country to be adopted. One of the items is the national flood insurance program that they plan to continue to educate the public on that program.
 - He said they plan to bring the group back once/year to make sure they are meeting goals.
 - Mr. Magaha said that if we wanted to build a safe room, there are federal funds to pay for that.
 - He said he needs the City of Tonganoxie to adopt a resolution to adopting the county plan.
 - Mayor Ward said he is glad to see this regional plan and that he thinks it's a good thing for the County and for us to be a part of.
 - Chuck said they have brought in \$8 million in hazard mitigation funds county-wide since he's been on board which is much more than other counties in Kansas. Johnson County only brought in \$3.6 million and Wyandotte brought in \$1.7 million.
 - Councilman Donnelly made a motion to approve the resolution, second by Councilman Truesdell. All Ayes, the motion carried.

- c) Request waiver of special event fee for Library Run – Kelly Fann, Library Director
- Councilman Peak made a motion to approve the waiver, seconded by Councilman Donnelly. All Ayes, the motion carried.
 - Ms. Jones-Lacy mentioned that Kelly Fann is leaving her position as Library Director in June and moving on to another position.
 - Ms. Fann said she will be on part-time until her predecessor joins.
 - Mayor Ward said that she has done an amazing job at the library and that the library has grown each year.
 - Councilman Peak said he'll be sad to see her go.
- d) 2015 Funding Request for LCDC – LCDC Executive Director, Steve Jack
- Mr. McCommon introduced Steve Jack who provided a handout to the Council
 - Mr. Jack thanked the Council for allowing him to present on the topic.
 - Councilman Peak asked if the reserves used for operations were previously designated for economic development. How much less money would you have for economic incentives if the County continues not to fund LCDC and the Port Authority?
 - Mr. Jack said they will finish at just under \$500,000 in reserves. He said they sold the RFM building which provided about \$90,000 and \$95,000 to the Port Authority and LCDC.
 - Mr. McCommon asked if Mr. Jack could elaborate on the additional request by the Port Authority.
 - Mr. Jack said Mr. New organized a group to approach the County to try to secure funds for the Port Authority. The County Commission directed the Port Authority to write letters to the member cities to determine if they would be interested in additional funding.
 - The County mill levy sheet shows .615 mills for economic development, which generates \$400,000/year. The question is - what you are doing with that \$400,000 for economic development?
 - Councilman Donnelly said he thinks this is the best \$7,400 spent each year.
 - Councilman Donnelly made a motion to add the \$7,400 to next year's budget, seconded by Councilman Truesdell. Councilman Peak asked if we needed a motion. He thought this was just a budget item. All Ayes, the motion carried.
- e) Request waiver of sewer tap fees and reimbursement of installation expenses – David Dunham, 707 River Street
- Mr. McCommon provided some context for the discussion. Mr. Dunham purchased an old church with the intent of renovating it. However, it's been a major problem. He didn't know the sewer was plugged. Since that time, he's spent a lot of time and money to fix the sewer, snaking the drain has not been possible. It turns out the sewer was nowhere near where they thought it was.
 - He said that someone purchased the neighboring property and built a retaining wall which has blocked his sewer.
 - He asked if we could waive opening of the street, the sewer tap, etc. and reimburse him for money spent to date and reimburse him for the sewer extension to the street.
 - Mr. McCommon said an inspector would not know about the location of the sewer line on an adjacent property.
 - He said he has no record of a permit for the retaining wall installation.

- Mr. Heskett said everything he understood was that the sewer came down 8th Street and came down Yoke.
- Mr. Dunham said he would like a new line from the building to Yoke Street. He said his neighbor does grant him permission to go down the north side of his property with a new line.
- Mr. Truesdell asked what the \$2,750 covered for the sewer tap fee – Kent Heskett said it covers materials and labor. Opening the street, paving it, etc. is all done by a contractor.
- Mr. Truesdell asked if we typically cover these expenses. Mr. Kelly said we don't pay for work to a private property.
- Mayor Ward asked if staff needs additional information to provide a recommendation to council. He also asked what the City did to make that a City cost rather than Mr. Dunham's responsibility.
- Mr. Dunham said there was no oversight or inspections when the house was built. He said it appears the City was negligent at that time by not issuing a permit.
- Mr. McCommon said the only thing that was not inspected was the retaining wall. The actual structure went through the normal procedure.
- Mr. Donnelly asked what the City's legal obligation is.
- Mr. Kelly said at this point none. He sympathizes but Mr. Dunham's statements are all conjecture.
- Kent said he wants to know what's between the retaining wall and where he dug his hole. He said the sewer may run toward State Street.
- Mr. Donnelly asked what we could do to determine that. Mr. Heskett said we don't do work to determine a sewer for a private property.
- Mr. Kelly said you would be setting a bad precedent doing work for a private property owner.
- Mr. Donnelly said that Mr. Albert asked for similar concessions in the past and we passed on that.
- Mayor Ward said the Council is sympathetic of the situation but unless we had further evidence that there were some action by the City, I wouldn't feel comfortable moving forward because its private property and the precedent it would set.
- Mr. Dunham thanked the Council for their time.

f) Agreement with Sunflower Auto Plaza to sell city vehicles

- Mr. McCommon said that Council saw the response to the RFP to sell City vehicles with Sunflower Auto Plaza. It's not an exclusive agreement but gives the Council another option.
- Mr. Peak made a motion to approve the agreement, seconded by Mr. Gilner. All Ayes, the motion carried.

g) Request approval of Fireworks Stand permit

- Mr. Donnelly made a motion to approve the permit, seconded by Mr. Peak. All Ayes, the motion carried.

h) Annual appointments by Mayor Ward

- Motion by Councilman Peak to approve the appointments, seconded by Mr. Truesdell. All Ayes, the motion carried.

i) City Administrator Agenda

- Discuss inter-local road maintenance agreement
 - Mr. McCommon explained the agreement and the changes that the County is presenting.
 - Mr. Kelly said in the current agreement there is no mention of Laming Road.
 - Mr. McCommon said they would like to add letter C, the maintenance of Washington Street from Chieftain Road to Rogers Road/214th Street.
 - Mr. McCommon said that stretch of road would be about \$20,000 to resurface.
 - Mr. Donnelly asked what the difference is between maintaining Laming Road and Washington Street.
 - Mr. Peak asked if the County was going to put a sleeve into the culvert. The County told Kent today that that money was used to build the guardrail. He said the County was talking about an extension of a smaller pipe. Kent said it would cost \$90,000 to insert and that's on the City now. Mr. Peak asked when that needed to be done. Kent said we could wait more than a year.
 - Councilman Truesdell asked what if we tell the County no, Mayor Ward said that's an option.
 - Mayor Ward asked why we're being asked to care for this road since we have a much smaller budget.
 - Councilman Truesdell said typically if the state gives a bridge to an LPA, they fix the bridge up before they give it over. That's what the County needs to do.
 - Councilman Gilner said the County was supposed to cover that sleeve, and Kent said yes and that they had it budgeted. Mayor Ward asked if the Council would benefit from getting a policy logic explanation. Councilman Truesdell said he wanted to hear that information.
 - Mr. McCommon said he plans to attend the County Council meeting and can ask these questions.
 - Mr. Truesdell said if they know the defect in the road or anything supporting the road, they need to fix it.
 - Mayor Ward said we need to understand the logic and it needs to make sense from a tax-payer prospective.

- Discuss budget calendar
 - Mr. McCommon said the Council needs to come to a decision on its budget by the end of July. He asked when the Council wants to have its budget work sessions.
 - Mr. McCommon said he prefers June 23rd at 6 p.m.
 - Councilman Donnelly made a motion to have a Budget Work Session on June 23rd at 6 p.m., seconded by Councilman Peak. All Ayes, the motion carried.

j) City Attorney Agenda

- Mr. Kelly said the Kirby McRill walk is June 21st and it benefits Habitat for Humanity which is trying to get into Tonganoxie.
- Mr. Peak asked about conceal and carry and if we would have to allow them into the building. Mr. Kelly said his understanding is that we're still exempted from allowing conceal and carry but he will double check.

k) City Council Agenda

- 2014 United Way Auction and Dinner – Mr. Donnelly said there is an auction dinner on Sunday June 8th. He invited the Council to join him at his table.

l) Standing Committees

a. Retail Commercial Development Committee, Bill Peak, Chair

- i. Mr. Peak said the committee met and they would like to get some public input on the old police station location and funding is available from the RCDC to pay for some of these items. He said they are looking at some pricing for some of these items.

b. Infrastructure Committee, Jim Truesdell, Chair

i. County Sales Tax Renewal

- Mr. McCommon said the management teams of LVCO met a week ago and there are four steps to get to the election. The County wants to see a ballot election in February rather than going to the poll in April. The jurisdictions need to pass a resolution touting their themes. The County said if Cities within the County are aware of projects seeking collaboration with the County to submit those immediately. Mr. McCommon said a small group met to discuss collaborative projects.
- Mr. Truesdell said the Council needs to come up with projects prior to the deadline. Whenever the Council is ready we could do a resolution.

m) Mayor Agenda

- Councilman Gilner made a motion to go into executive session to discuss confidential matters of non-elected personnel to include the Council, city administrator, city attorney for a period of 15 minutes, seconded by Councilman Peak. All Ayes, the motion carried.
- Councilman Peak made a motion to return from closed session noting no action was taken, seconded by Councilman Gilner. All Ayes, the motion carried.
- Councilman Gilner made a motion to return to closed session for a period of 10 minutes, seconded by Councilman Peak. All Ayes, the motion carried.
- Councilman Peak made a motion to return from closed session, seconded by Councilman Truesdell. All Ayes, the motion carried.
- Councilman Donnelly made a motion to increase the City Administrator's salary to \$89,500 annually making it retroactive to his anniversary date of 5/14. Seconded by Councilman Peak. All Ayes, the motion carried.

Councilman Gilner made a motion to adjourn, seconded by Councilman Peak. All Ayes, the motion carried.

Respectfully Submitted,

Jennifer Jones-Lacy
Assistant City Administrator